

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

2520 Venture Oaks Way, Suite 350  
Sacramento, CA 95833  
(916) 274-5721  
FAX (916) 274-5743  
[www.dir.ca.gov/oshsb](http://www.dir.ca.gov/oshsb)

**FINAL STATEMENT OF REASONS****CALIFORNIA CODE OF REGULATIONS**

**TITLE 8: Chapter 4, Subchapter 7, Article 96, Section 4968  
and Article 99, New Section 5022.1 of the  
General Industry Safety Orders**

**Tower Crane Warning Devices and Crane Test Weight Requirements**

There are no modifications to the information contained in the Initial Statement of Reasons.

**Summary and Response to Oral and Written Comments****I. Written Comments**

There were no written comments received from the regulated public. However, Mr. Frank Strasheim, Regional Administrator, Region IX, Federal OSHA, submitted a letter to the Board dated April 20, 2005.

**Comment:**

Mr. Strasheim stated that proposed new Section 5022.1 is more protective than the federal requirement to follow the manufacturers specifications for the testing of cranes. Mr. Strasheim commented that the proposed amendments to Section 4968, however, raises concerns as to whether the proposal is as effective as the federal standards. Mr. Strasheim stated that the "Side by Side" standards comparison and the Initial Statement of Reasons state that cranes are designed to operate at 100 percent of the rated load, and that tower crane manufacturers do not recommend overloading their cranes under any conditions. Yet the proposal [Section 4968(d)] still allows loading up to 105 percent of the rated load before the final safety stop is initiated. The federal provisions in 29CFR 1926.550(a)(1) and 1926(c)(5) require the employer to comply with the manufacturer's specifications.

**Response:**

During the testing of tower cranes, manufacturers do permit the crane to be loaded within various limits beyond its rated capacity. Additionally, tower crane manufacturers have advised that the final automatic stop may be set above the rated load in order to not de-rate cranes that are designed to operate at 100 percent of the rated load.

The existing standard in Section 4968(c) mandates that the automatic stop operate at 110 percent of the rated load. The proposed amendment [Section 4968(d)] permits lower trigger points for the automatic stop, but not to exceed 105 percent of the rated load. At the advisory committee meeting in this matter, concerns were expressed by tower crane manufacturer representatives that setting the automatic stop or cutout at 100 percent of the rated load would result in too many false cutouts and would essentially de-rate many cranes as they are designed to operate at 100 percent of the rated load. Tower crane manufacturers indicated that the final overload setting (automatic stop) is set slightly above 100 percent of the rated load so as to not de-rate the crane capacity. Consistent with the advisory committee recommendations, the proposal requires the automatic stop to operate at a percentage of the rated load, not to exceed 105 percent of the rated load.

The federal provisions in 29CFR 1926.550(a)(1) and 1926(c)(5) require the employer to comply with the manufacturer's specifications. In concert with the federal standards, proposed Section 4968(e) would require that the manufacturers' specifications be followed when the crane manufacturer specifies lower activation points for the safety devices required by Section 4968(a)(1), (b), and (d) [the automatic stop].

Consequently, the Board believes that the proposed amendments for Section 4968 are at least as effective as the federal counterpart standards and that no further modification to the proposal is necessary as a result of this comment.

## II. Oral Comments

There were no oral comments received at the April 21, 2005 Public Hearing in Oakland, California.

### ADDITIONAL DOCUMENTS RELIED UPON

None.

### ADDITIONAL DOCUMENTS INCORPORATED BY REFERENCE

None.

### DETERMINATION OF MANDATE

This regulation does not impose a mandate on local agencies or school districts.

### ALTERNATIVES CONSIDERED

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed standards. No alternative considered by the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the adopted action.